

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44743 of 2015

Arising Out of PS.Case No. -115 Year- 2012 Thana -RAMPUR District- GAYA

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1. Abhinay Kumar @ Chottu Son of Naresh Kumar Sinha, Resident of Mohalla - Gewalbigha, P.s. - Rampur, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 25-01-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

There is allegation against the petitioner that he gave iron rod blow on the head of the deceased as a result whereof deceased sustained head injury and died after four days of the alleged occurrence in course of his treatment. It is an admitted position that there was land dispute between the parties and prior to the alleged occurrence, an information regarding the aforesaid dispute had already been given by the petitioner before the officer in-charge of the concerned police station and, furthermore, a proceeding under section 107 of the Cr.P.C had also been initiated.

Submission on behalf of the petitioner is that the prosecution story, even if, is assumed to be true, then also, at best

Section 304 Part-II of the Indian Penal Code is made out in this case for which petitioner is in jail custody since 02.03.2015.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and particularly, taking note of this fact that single blow is said to have been given by the petitioner to the deceased, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Rampur P.S.case No. 115 of 2012.

(Hemant Kumar Srivastava, J)

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